IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.3121/2002.

Mahipal & Others. **VERSUS** Board of Revenue & Ors.

01.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Bhanu Pareek, for the petitioners.
Mr.S.R.Yadav, for the respondents.

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The petitioners are aggrieved on account of the order passed by the learned Revenue Appellate Authority which was confirmed by the judgment of the learned Board of Revenue appointing Receiver for making arrangement for the cultivation of the land which the petitioner claims that he was in actual physical possession and the learned trial court had even granted injunction in his favour restraining the defendants from interfering in the possession and the cultivation of the petitioners/ plaintiffs.

The petitioners submit that the order passed by the learned Revenue Appellate Authority and confirmed by the learned Board of Revenue should be set aside as the learned trial court has come to the conclusion that the petitioner was in actual and cultivatory possession of the land in dispute and there was no reason for appointing a Receiver, as the conditions enshrined in Order 40 of the Code of Civil Procedure were not satisfied.

I have heard learned counsel for the petitioner. It is not in dispute that since the order passed by the learned Revenue Appellate Authority, on 13.08.1996 the Receiver has taken over the possession of the land and the same has been cultivated and over which the petitioner has been in cultivation on the terms fixed by the Receiver for the cultivation of the land in dispute.

Since the petitioner is already in cultivatory possession of the land on the terms set down by the Receiver, without going into the merits of the case or disturbing the present arrangements or expressing any opinion at this late stage in the trial of the suit as it may affect the rights of the parties, since the suit itself is an old one as it was filed as early as in the year 1966, I consider it just and proper to direct the learned trial court to decide the suit expeditiously, preferably within a period of one year from the receipt of the certified copy of this order. Both the parties shall cooperate in the matter.

In case, the suit is not decided within the aforesaid period, the petitioners would be at liberty to seek the review of the order passed by this court.

Consequently, the writ petition as well as the stay application stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.